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# Modus Operandi of Oppressing the “Savages”: The Kenyan British Colonial Experience

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# Modus Operandi of Oppressing the “Savages”: The Kenyan British Colonial Experience

## Abstract

Colonialism can be traced back to the dawn of the “age of discovery” that was pioneered by the Portuguese and the Spanish empires in the 15<sup>th</sup> century. It was not until the 1870s that “New Imperialism” characterized by the ideology of European expansionism envisioned acquiring new territories overseas. The Berlin Conference of 1884-1885 prepared the ground for the direct rule and occupation of Africa by European powers. In 1895, Kenya became part of the British East Africa Protectorate. From 1920, the British colonized Kenya until her independence in 1963. As in many other former British colonies around the world, most conspicuous and appalling was the modus operandi that was employed to colonize the targeted territories. Part one of this article discusses the tactics of subjugation used by the British to oppress, humiliate, subdue, conquer and colonize the Kenyan communities. These tactics included crown land ordinances; capitalist estate production; the establishment of African reserves and squatter systems; the formation of the “white” highlands; the imposition of taxes and forced labor; the imposition of the pass or *Kipande* System; missionary churches; the declaration of a state of emergency; military operations; villagization; ethnic divide and rule; and flogging, torture, incarceration and execution. The findings offer a comparative template about the tactics used by the British in other colonies. Part two of this study addresses a new focus about the link between British colonialism and ethno-political conflicts in Kenya. This presents a new avenue for more focused interventionism in addressing such conflicts. Part three of this study introduces a new important inquiry about “what next?” for the victims and survivors of British colonialism in Kenya. The argument is that the study of British colonialism cannot be complete without interrogating transitional justice for the victims and survivors of colonial atrocities. The focus on transitional justice introduces a new debate about the need for collaborative action in facilitating restitution, reparations, healing and closure for victims and survivors of British colonial atrocities. Although resistance to colonial invasion was experienced in many parts of Kenya, this study concentrates on the Mount Kenya region where it was most intensive and dominant.

**Keywords:** *Peace and Conflict Studies; British Colonialism; Kenya, British, Colonial Styles, Ethno-political Violence, Transitional Justice*

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## **Modus Operandi of Oppressing the “Savages”: The Kenyan British Colonial Experience**

### **Peter Karari**

The 1885 Berlin Conference in Germany resulted in the scramble for Africa, in which the African continent was partitioned amongst European powers exemplifying no due regard for indigenous boundaries, identities, and lifestyles (Wamwere, 2008). For the partition and occupation of Africa, the Europeans used strategic styles to subdue, conquer, and rule over the native populations (Mazrui, 2008). This article focuses on British colonial strategies used in Kenya: the link between colonialism and postcolonial ethno-political violence and transitional justice for victims and survivors of British colonial injustices. This study has placed more emphasis upon the exploration of transitional justice as a response to colonial and post-colonial atrocities in Kenya.

The British settlement and capitalist economy in Kenya destabilized the natives' subsistence livelihood, leading to a nation-wide anti-colonial insurgency between 1952 and 1960 (Elkins, 2005). While this insurgency dominated the Mount Kenya region of Kikuyu ethnic group, there were other pockets of rebellion around the country. Examples of such insurgencies include the 1895-1905 Nandi uprising and the 1913-1914 Giriama revolt (Alam, 2007); the 1947 Muranga women's revolt and the 1950 Kalloa Affray rebellion (Anderson, 2005); and the 1918-1919 Gusii revolt that was occasioned by the *Kengere* famine (Parsons, 2011; Omwoyo, 2015).

The British colonial authorities in Kenya had to find a way to legalize land control, as it had no rights over natives' land. The colonial authorities, therefore, enacted a series of Crown land ordinances to formalize the dispossession of the natives' land (Mazrui, 2008). These ordinances led to the appropriation of millions of acres of land that became white highlands. The appropriation of white highlands by settlers was a scheme to exploit natives' free labor for their capitalist economy (Southall, 2005). Further, to facilitate the economic viability of the white highlands, the colonial authorities transformed the natives' mode of production to suit the colonial capitalist economy (Rutten & Ombongi, 2005). This violated the Indigenous People's subsistence economy, identity, and customary ways of life. The British also established the African Reserves—designed to confine the natives within specific settlements to supply cheap labor to settlers' farms (Rutten & Ombongi, 2005).

Capital was a key component for the establishment of the colonial cash economy. Therefore, the colonial authorities established the hut and poll tax to earn revenue for colonial projects (Elkins, 2005). The locals, to enable the payment of taxes, were forced to abandon the customary subsistence economy and engage in wage employment. The colonial authorities also introduced the Pass or the *Kipande* System in which all natives were forced to hang a metal on the neck that contained a paper with personal identification, employment history, and rules restricting movement (Anderson, 2005).

The British also used missionary churches as tools of colonization (Andrews, 2010). Colonial authorities facilitated the spread of Christianity, while in some cases, the missionaries used Christianity to pave the way for colonialism. Christianity condemned indigenous ways of life and encouraged Westernization. Thus, colonial authorities and missionaries worked hand in hand to achieve their individual agendas, that is, colonization and evangelism, respectively.

The declaration of the state of emergency by the colonial administration was meant to deter demands for land reforms and nationalist uprisings against the colonial capitalist economy (Anderson, 2005). The British also used military operations to conquer, disperse, and pacify the areas inhabited by the Mau Mau (Freedom Fighters). The Villagization program was designed to restrict food and other essential supplies from reaching the Mau Mau in the forest (Siakilo, 2014). The colonial authorities also used “divide and rule,” which accorded preferential treatment to the loyalists, while the rebels were incarcerated, tortured, and executed (Elkins, 2005).

The postcolonial ethnopolitical violence in Kenya can be linked to British colonialism. For example, the colonial constitution, which was meant to dominate the natives, was inherited by post-independent elites and used for ethnic political patronage. The concept of divide and rule nurtured political ethnicization of leadership and governance. Loyalists who benefitted from colonial education and opportunities became the beneficiaries of the postcolonial positions of power (Wamwere, 2008). The colonial divide and rule influenced the ethnicization of political alliances, alignments, and mobilizations in post-independent Kenya (Nasong’o & Murunga, 2007). Post-colonial instances of discrimination and marginalization have led to ethnic antagonism, ethnic conflicts, and violence (Nasong’o & Murunga, 2007). Colonial land injustices nurtured a postcolonial land crisis and violence in which the loyalists acquired major

tracts of land, while the freedom fighters were disinherited of their ancestral land (Anderson, 2005).

Grounded in the above historical context, the main aim of this paper is to explore transitional justice as a key component in the study of British colonial styles and injustices perpetrated against the native communities. The main argument in this paper is that the study of British colonial styles—without a focus on transitional justice for victims and survivors of colonial atrocities—is incomplete. Studies indicate that a civic culture of tolerance and respect for minority groups is not conceivable without truth and justice in human affairs (Wamwere, 2008). Transitional justice is therefore essential in facilitating closure for victims and survivors of colonial injustices in Kenya. The process should focus on the expressed needs of victims and survivors of colonial atrocities and facilitate dialogical spaces and forums that would address reparations and compensations. Transitional justice for victims and survivors of colonial atrocities would facilitate the realization of dignity, social justice, and closure.

### **British Colonial Styles in Kenya**

#### **Crown Land Ordinances**

In Kenya, like in many other African countries, land alienation began with the European 15<sup>th</sup> century settlement in the country (Mazrui, 2008). Before colonialism, the Kenyan people lived communally with equal rights to the use of land. When Kenya became a British protectorate in 1895, the British did not have the rights over the natives' land. Colonial land ordinances were therefore enacted to formalize the appropriation of the land (Human Rights Watch, 2010). The 1897 Ordinance enabled white settlers to secure the land owned by the Crown for a 21-year lease (Southall, 2005). The 1902 Crown Lands Ordinance increased the lease from 21-99 years and granted a temporary farming license of between one to five years to loyalists (Southall, 2005). The Crown Lands Ordinance of 1915 awarded white settlers freehold titles of 1000 acres of land and a security of tenure of up to 999-year leases. This ordinance declared all land as belonging to the Queen and subject to disposal at her will (Otieno, 2014). While African reserves were established under this ordinance, security of tenure was not guaranteed, therefore affecting customary practices such as pastoralism or shift cultivation. This ordinance amended the 1902 decree and redefined Crown Land to include all native reserves in which natives became mere tenants of her Majesty (Otieno, 2014). Communal land became obsolete, and customary law became subordinate to British law.

The 1930 Native Lands Trust Ordinance was enacted to cushion the natives' grievances challenging the concept that all land belonged to the crown (Otieno, 2014). Native reserves were granted leases of up to thirty-three years and were free from encroachment (Human Rights Watch, 2010). Henceforth, compensation was made for any native reserves appropriated for public use. The Native Lands Trust Ordinance established the Native Trust Land Board through which native reserves could be appropriated for public utility (Kameri-Mbote, 2013). However, the ordinance was amended in 1932 to allow appropriation of natives reserves upon discovery of minerals (Otieno, 2014). In 1938, the Crown Lands (Amendment) Ordinance legalized the white highlands and native reserves and relocated the affected natives. African customary laws applied only in native reserves overseen by the Native Lands Trust Board (Otieno, 2014). The Kenya Highlands Ordinance of 1939 redefined the boundaries of native reserves and those of white-owned highlands. This ordinance established the Highland Board to guard the interests of the white settlers. In 1954, the Swynnerton Plan was established to facilitate land tenure involving surveying, consolidation, enclosure, and registration of land (Swynnerton, 1955). While this plan benefited the colonial capitalist economy and the loyalists, it destroyed the natives' subsistence economy (Wakhungu, Huggins, & Nyakuri, 2008). It was not until the 1960 Land Ordinance that natives achieved the rights to acquire and own land anywhere in the country (Otieno, 2014). However, while loyalists benefited from this ordinance, common natives could not afford modernized farming tools, fertilizers, and security for agricultural loans.

### **Capitalist Estate Production**

The colonial capitalist enterprise led to the emergence of different peasant households, including commodity-producing households, labor-exporting households, squatter households, and working-class households, meant to quench the capitalist labor demands (Rutten & Ombongi, 2005). Natives' mode of production underwent significant transformation to suit the colonial capitalist economy. The challenge was to harmonize the indigenous and the colonial modes of production to benefit both the native and capitalist needs. The success of the capitalist enterprise depended on the dispossession of natives' land and the continued supply of cheap and/or forced labor. In 1912 the Labor Commission introduced some minimal payment for work done by native households but also increased and introduced the Hut and the Poll Tax, respectively, to cushion the effect of labor pay-outs (Rutten & Ombongi, 2005). Colonial tax was a capitalist scheme that ensured a constant labor supply. The monetization of the economy

required natives to engage in wage labor to earn money for tax. The chiefs and loyalists became brokers in selective sourcing and supply of productive and compliant native laborers; the more laborers a chief recruited, the more rewards he received from colonial masters.

### **Establishment of African Reserves and Squatter Systems**

By the 1930s, about 120,000 natives supplied forced or cheap labor in settlers' farms (Campbell, 2007). To restrict natives from escaping from settler farms, the 1918 Resident Native Ordinance replaced cash pay-outs with the food for labor policy. The 1956 Land Ordinance created native reserves, a colonial scheme meant to exploit constant natives' cheap labor for the benefit of the colonial economy (Campbell, 2007). The time for squatting and working at settler farms increased from three months in 1918 to eight months in 1944, due to increased demand for labor by the returning soldiers (Southall, 2005).

### **Formation of the White-Owned Highlands**

The Crown Land Ordinances of 1902 and 1915 facilitated the appropriation of 7.5 million acres, or 25 percent of arable land across Kenya (Anderson, 2005). The appropriation of white highlands was a scheme to dispossess the natives of their land, exploit their free labor, and use the resources for the capitalist economy (Southall, 2005). The colonizers enacted laws (Crown Land Ordinances) to divest the natives of their land and to provide security of tenure to the settlers (Wakhungu, Huggins, & Nyakuri, 2008). The experience in Kenya was shared by other African colonies, and one in which settlers became citizens while natives became the objects (Mamdani, 1996). To ensure a constant labor supply, the colonial authorities introduced the Poll and Hut Tax, which required natives to engage in wage labor to earn tax money (Elkins, 2005).

### **Imposition of Taxes**

The colonial capitalist economy required capital to thrive (Anderson, 2005). The process of native wage labor to pay colonial taxes was needed to mobilize revenue for the colonial economy (Elkins, 2005). The 1901 Native Hut and Poll Tax involved payment in kind or through labor of one *rupee* (0.2 U.S. Dollar) for every native hut (household). In 1910, an amendment of the Native Hut and Poll provided for the attachment of natives' property or three months imprisonment for defaulting on their tax payment. The Hut and Poll Tax was increased from five rupees to eight rupees between 1915 and 1920 increasing tax collections from £100 to £658,000 (Waris, 2008). The British taxation scheme was yet another colonial tactic for coercing the natives to contribute to the capitalist economy (Waris, 2008). While taxation should address the

principle of equity in the administration of the tax law, the colonial tax system was a manipulative tax bracket system that affected every adult above the age of eighteen, irrespective of gender or occupation. For example, while males who owned a hut paid the Hut Tax—though some lacked wage employment. Defaulters of the tax payment were killed, imprisoned, and/or their huts were burned. The Native Authority Amendment Ordinance of 1920 empowered native chiefs to, on behalf of colonial authorities, collect tax and enforce a sixty-day annual compulsory labor on each person. The more tax a chief collected, the more commission he received. The compulsory labor was in addition to twenty-four days of unpaid communal labor (Anderson, 2005). The colonial taxation system and the capitalist economy robbed the natives of their subsistence economy and identity; it increased native poverty and their dependency on the capitalist economy.

### **Imposition of Cheap Forced Labor**

Cheap labor was a key catalyst for the colonial economy (Elkins, 2005). Natives were forced to use their labor to earn a living and pay colonial taxes. Native labor was meant to service the colonial economy. Natives were divided and isolated from each other and confined in overcrowded reserves in which their movements were restricted through the enforcement of the 1906 Masters and Servants Ordinance, as well as, the 1918 *Kipande* system (Ochieng, 2002). The African squatters in the reserves had no tenancy rights and were overly mistreated, flogged, denied basic needs, or even killed by white overseers—contrary to colonial labor legislation (Wamwere, 2008). The wage earned by native Africans was too low to sustain their basic needs. By the 1960s native Africans provided ninety percent of colonial labor (Anderson, 2005). The colonial isolation of laborers into ethnic enclaves heightened ethnic consciousness, which spilled over into postcolonial Kenya and has continued to inform Kenyan ethnic relations.

### **The Pass or the Kipande System**

*Kipande or Pass* was an identity system enforced through the 1906 Masters and Servants Ordinance to control the natives' movement and to track their labor record. The *Kipande* system became a law in 1915 and was implemented in 1919. It required all natives to wear a neck collar on which a metal containing a red book was hang. The information contained in the red book included: the native's name, finger prints, ethnicity, employment history, the signature of his or her current employer, and the rules restricting movement (Ochieng, 2002). This humiliating, oppressive, and detestable colonial style of administration was used to monitor, track, and



confine the movement natives within specific workstations. The system was discriminatory because it only applied to Africans (Ochieng, 2002). The colonial police could invade native reserves at night and demand to see the pass to ascertain that people lived and worked in their assigned allocations. The *Kipande* system was a key strategy of the colonial divide and rule regime. The system intensified ethnic consciousness and labelling, ensuring that members of the same ethnic groups were not stationed in the same work place. Ethnic labelling nurtured ethnic hatred and made it difficult for the natives to communicate, interact, or even plan resistance.

### **Missionary Churches**

The Missionary Churches played a key role in British colonialism. Like the European scramble for Africa, the churches too scrambled for religious zones of influence to spread Christianity and Western civilization (Andrews, 2010). Some missionaries perceived colonization as a means of spreading Christianity and formal education. Bible messages were tailored to fit colonial needs. For example, cheap and forced labor on settler farms was encouraged by using such verses as “whoever doesn’t work should not eat” (The Holy Bible, 2 Thessalonians 3: 9-11, Expanded Version). Illiterate chiefs were tricked by the missionaries into signing treaties that were later used by British authorities to colonize the natives (Andrews, 2010). Some missionaries prepared the way for colonization while others waited for conquest to happen before settlement (Andrews, 2010). The pacifying gospel of the missionaries encouraged the natives to persevere through the humiliation, forced labor, and flogging by settlers while focusing on life after death. Missionaries were used by the colonial administration for intelligence gathering and screening because they commanded trust from natives (Andrews, 2010). Missionary churches spread religious propaganda that was central to the colonization of Kenya. The Bible proved to be a more powerful instrument to conquer and colonize the natives than military weapons.

### **Declaration of the State of Emergency**

In 1952, the colonial governor, Sir Evelyn Baring declared a state of emergency in colonial Kenya (Anderson, 2005). Declaration of the state of emergency was meant to curb the Mau Mau insurgency, which was a threat to the British colonial economy. The British used air-power to suppress the insurgency and spread propaganda by dropping leaflets and photos of mutilated bodies depicting the Mau Mau as brutal, inhumane, and irrational savages (Elkins, 2005). The British propaganda followed the *Kitson counterinsurgency strategy* used in Northern

Ireland in which sponsored pseudo-gangs committed terrorist activities and implicated the nationalists, therefore creating divisions, demoralization, and reduced support (Stapleton, 2013). The people who died during the state of emergency included about 30,000 Africans, 527 loyalists, 63 British soldiers, and 32 British civilians (Elkins, 2005, p. 366). The state of emergency was characterized by massive impunity and human rights abuses. The settlers exercised extreme brutalities on suspects to force them to renounce their oaths and allegiance to Mau Mau and pledge their loyalty to the British Queen (Elkins, 2005). Such brutalities included rape and sodomy, being soaked with paraffin and then torched, cutting off men's scrotum, squeezing testicles between blunt objects, slicing off people's ears, inserting pins in people's buttocks and finger nails, drilling holes in people's eardrums, slow electrocution, burning native's eardrums with cigarette butts, clamping and cutting off native people's fingers, as well as the use of execution, public hanging, strangling, and dragging the victims on the ground (Karari, 2015, pp. 44-45). Colonial authorities also used mobile gallows to execute Mau Mau suspects later displaying the corpses at market places as a warning to others (Anderson, 2005). Barbara Castle, a Labor Member of Parliament who visited Kenya in 1954, compared the colonial justice system to that of Nazi Germany, Communist Russia, or Japanese prison camps (Human Rights Watch, 2010).

### **Military Operations**

From 1952 to 1956, the declaration of a state of emergency in Kenya made the Mau Mau seek refuge in the forests, where they planned guerrilla warfare against the British (Anderson, 2005). The colonial military forces attacked areas believed to harbor insurgents, killed and/or dispersed the "terrorists," and then pacified the areas by using loyalist forces. They then blocked essential supplies from reaching the Mau Mau in the forest (French, 2011, p. 29). There were several key military operations that were conducted by the British in the fight against the Mau Mau. The *1954 Operation Anvil* was planned to wipe out the Mau Mau in Nairobi, their main operational zone. Massive arrests were made, and those captured were confined in barbed wire enclosures, followed by screening and detention (Ochieng, 2002). Loyalist spies and informers boosted *Operation Anvil* leading to the detention of 20,000 Mau Mau soldiers and the deportation to the reserves of 30,000 others (Branch, 2007). However, thousands of Mau Mau insurgents had sought refuge in the Aberdares and Mount Kenya forests (Elkins, 2005, pp. 35-36). Since the British were unfamiliar with the forest terrain, they launched *Operation Blitz and*

*Operation Mushroom* between 1953 and 1955, using air power to flush out the Mau Mau from their hideouts (French, 2011). Lincoln bombers dropped over six million bombs in the Aberdares and Mount Kenya forests, killing over 900 Mau Mau fighters. The bombers were also used to drop propaganda leaflets demonizing the Mau Mau movement. In 1954, the air strikes were extended to the inhabited reserves. These operations involved attack and dispersion, containment, and pacification.

### **The Villagization Program**

The declaration of the emergency in Kenya coincided with the Mau Mau insurgency against colonial authorities. The sustenance of the insurgency depended on a continued supply of food and other basic needs to the Mau Mau from native settlements (Siakilo, 2014). This was a serious challenge to the British colonial authorities. To restrict basic and essential supplies from reaching the Mau Mau, the colonial authorities established the Villagization Program, a concept borrowed from British Malaya, in which all the natives were confined in concentrated villages. Close to 100,000 Kikuyu were forced into fortified settlements under 24-hour curfews, leading to massive starvation, disease, and over 50,000 deaths (Siakilo, 2014). By the end of the emergency in 1956 the Villagization had claimed about 150,000 natives' lives (Siakilo, 2014). It was hoped that cutting off Mau Mau supplies from the reserves, combined with military operations, would deal a final blow to the Mau Mau insurgency (Siakilo, 2014). By the end of 1955 more than a million Kikuyu in 800 villages with a total of 230,000 huts were confined behind barbed fences, deep-spiked trenches, and watchtowers (Elkins, 2005, pp. 235-240).

### **Divide and Rule**

The ethnic preferential treatment of colonial authorities nurtured a privileged center of loyalists and a disgruntled periphery of rebels. The loyalists became the beneficiaries of the preferential system while the Mau Mau fighters and their sympathizers were marginalized (Oyugi, Wanyande, & Odhiambo-Mbai, 2003). Colonial authorities manipulated mythical stereotypes of "us versus them" to mobilize enmity among former neighbors (Carter, Irani, & Volkan, 2009). Kenyan natives thus became construction sites in which the colonial authorities reconstructed identities. Native groups were turned into active agents of hatred and mistrust. Like the concept of *prisoners' dilemma*, the colonial authorities used a system of costs and benefits, which rewarded the loyalists and punished the rebels (Oberschall, 2007, p. 7). Colonial

authorities nurtured identity formations by rewarding the loyalists and dispossessing, humiliating, and exploiting the Mau Mau and their sympathizers (Mazrui, 2008).

### **Flogging, Incarceration, Torture, and Execution**

Flogging, Incarceration, Torture and Execution (FITE) was a well-planned colonial scheme meant to humiliate the natives and deter rebels from agitating for freedom. FITE constituted the interrogation of Mau Mau suspects, flogging, torturing, and eventually their execution (Anderson, 2005). The colonial authorities designed what was referred to as the *Pipeline*, also known as a British Gulag (Elkins, 2005). The Pipeline had a White-Grey-Black classification system in which white comprised of cooperative detainees; grey included the detainees who had taken oaths but were compliant; and black represented the hard-core Mau Mau. Detainees' position in the pipe indicated their readiness to confess their oaths, and it constituted screening and re-screening for inducement of confessions and intelligence gathering, classification, and reclassification (Blacker, 2007). The movement up the pipe was long and torturous. The FITE process induced most detainees to confession, and some ex-detainees became informers, spies, and interrogators themselves.

The colonizer's method of execution of hard-core Mau Mau—especially the administrators of oaths—constituted public hanging, strangulation, and mutilation including cutting off the tongue. Some of the worst colonial massacres happened in detention centers and concentration camps. The most notorious massacres included the Lari Massacre of 1953, which claimed the lives of 150 Mau Mau suspects; the Chuka massacre of 1953 that claimed the lives of 20 adults and a child; and the Hola massacre of 1959 that resulted in the death of 88 detainees (Anderson, 2005). In all these massacres, the British colonial authorities used crude and brutal methods of murder, such as electric shock, fire, clubs, whips, truncheons, and cigarette butts (Elkins, 2005). Other methods of torture included the thrusting of broken bottles, sand, water, gun barrels, hot eggs, vermin, knives, and snakes into women's vaginas and men's rectums (Elkins, 2005). The suspects were also flogged, sexually abused, castrated, burned, or had their bodies mutilated, hung upside down, eyes gouged out, and testicles and ears cut off to facilitate intelligence gathering (Elkins, 2005). These colonial styles of torture were referred to as the *dilution technique* and were meant to induce the victims to confess or cooperate (Elkins, 2005). The victims were also killed by tethering and chopping off their ears, and indiscriminate shooting at close range. The loyalists were rewarded in terms of the number of "terrorists" they

killed, body parts they chopped off, or quality of intelligence they gathered from victims (Anderson, Bennett, & Branch, 2006).

### **Colonial Styles and Ethnopolitical Violence in Post-Independent Kenya**

Ethnopolitical mobilization, competition, and violence in Kenya today can be linked to colonial preferential administration of structures of privilege (Wamwere, 2008). For example, the colonial education and recruitment policies were discriminative in nature, mostly benefiting the loyalists' groups and leaving out the opposing ethnic groups (Oyugi, Wanyande, & Odhiambo-Mbai, 2003). As in many other African countries, colonial ethnic discrimination and preferential treatments in Kenya nurtured ethnic antagonism and a sense of consciousness about "us versus them" (Mamdani, 1996). This is evidenced through decades of ethnopolitical violence in Kenya meant to dislodge the "others" from power or continue holding onto power for the perceived benefits of ethnic insiders.

Colonial political alignments and alliances also played a significant role in structuring Kenya's ethnic map, ethnic mobilization, and hence, violence (Oloo, 2007). The colonial administration strategically planned the transition, shape, and future governance of post-colonial Kenya. Central to post-colonial leadership and governance of Kenya was the nurturance of political allies who would protect the interests of white settlers (Oyugi, Wanyande, & Odhiambo-Mbai, 2003). These political allies constituted colonial loyalist and collaborators who used the inherited colonial constitution to marginalize the ethnic others (Oyugi, Wanyande, & Odhiambo-Mbai, 2003). To perfect the administration of divide and rule, colonial authorities shunned national political parties such as Kenya African Union (KAU) and endorsed ethnic political parties such as Baluhya Political Union (BPU), Kalenjin Political Alliance (KPA), Maasai United Front (MUF), and Luo United Movement (LUM), among others (Oyugi, Wanyande, & Odhiambo-Mbai, 2003). The colonial constitution failed to nurture nationalism, the principles of good governance, and the rule of law in Kenya—hence the protraction of violence in the country. Ethnicization and mobilization of political parties have continued to cause ethnic animosities, antagonism, and violence in post-colonial Kenya (Oyugi, Wanyande, & Odhiambo-Mbai, 2003). The rising to power for an ethnic coalition means access to political power, services, resources, and opportunities.

Colonial land injustices can be linked to the current land-related ethnic violence among populations whose land was taken away by colonialists and later inherited by loyalists. Due to

colonial and post-colonial land dispossession, various ethnic groups in Kenya have sought and pursued autonomy and federalism (Goldsmith, 2011). For example, the coastal people of Kenya are involved in Islamic radicalism, militancy, and calls for secessionism citing decades of discrimination, dispossession, and marginalization (Goldsmith, 2011). In Western Kenya, the Mt. Elgon land grievances fronted by the Sabaot Land Defense Forces and powerful political partisans have led to the killing of 800, and displacement of 60,000, Ndorobo ethnic minorities between 2006 and 2007 (Human Rights Watch, 2010). In the Kenyan Rift Valley and former white-owned highlands where colonial dispossession affected millions of indigenous inhabitants, decades of ethnic clashes have been witnessed, due to ethnic postcolonial resettlements (Mazrui, 2008). Kenyan communities attach great symbolic meaning to land, and therefore, landlessness occasioned by colonial dispossession constitutes a threat to their identity and survival, and hence ethnic violence. The Kenyan North Frontier District (NFD), inhabited by the Borana and other Somali ethnic groups, was used as a buffer zone by the British to protect its economic projects from Italian Somaliland and Ethiopian expansionism (Hassan, 2008). The colonial style of tribal zoning, villagization, and divide and rule in the NFD nurtured the perception of “us versus them,” resulting in postcolonial resource-based banditry among pastoral communities (Hassan, 2008). The marginalization of the Somali community was inherited and perfected by the postcolonial regimes, prompting the call for self-determination and secession (Ringquist, 2011). While diplomatic efforts ended Somali irredentism, it marked the beginning of intercommunal disputes, antagonism, and violence between disgruntled clans who lost their livelihood, identity, and cultural ways of life (Whittaker, 2008).

Post-colonial leadership and governance have adopted the colonial ethnic trajectory in which political patronage commands preferential administration of public resources and political positions in favour of the ethnic others (Mazrui, 2008). The postcolonial ethnic trajectory is meant to consolidate ethnic power and the associated privileges, such as access to resources, opportunities, and services. Transitional justice is therefore essential in addressing historical and structural injustices; mobilizing ethnic inclusion; and equal distribution of resources, opportunities, and services towards nurturing sustainable peacebuilding. Colonial preferential administration of structures of privilege continue to generate ethnic disgruntlement, resentment, stereotyping, and violence in postcolonial Kenya (Wamwere, 2008). Perhaps the worst violence inherited from the colonial regime by the post-independent regimes is human rights violations

against innocent populations. Examples include the 1980 Bulla Massacre in Garissa and the 1984 Wagalla Massacre in Wajir involving 3,000 and 5,000 ethnic Somalis, respectively. These massacres emanated from calls for secessionism following years of discrimination and marginalization of the Somalis (Hassan, 2008, p. 302). In sum, this discussion shows that protracted ethnic violence in Kenya links with British colonial styles. Precisely, colonial ethnic discrimination, adopted by postcolonial regimes, has caused ethnic marginalization of some groups leading to ethnic violence in agitation for ethnic inclusion and equal opportunities. The key question here is “then what?” This study proposes a focus on transitional justice in a bid to address the harms, violence, and injustices that happened to victims and survivors of British colonial atrocities in Kenya. Research that focuses on colonial injustices and transitional justice is limited. This study bridges this literature gap.

### **Colonial Injustices and Transitional Justice in Post-Independent Kenya**

The study of British colonial styles is incomplete without a focus on transitional justice and closure for millions of the affected populations in the world. Justice is nurtured through respect for human rights and by holding the perpetrators of injustices accountable for their atrocities (Schirch, 2004). Resistance to British colonialism in Kenya happened because of the injustices committed against the natives, prompting them to fight to reclaim their land, freedom, and identity (Mazrui, 2008). Natives’ resistance to British colonialism was met with brutality and murder, resulting in physical and psychological trauma among the victims and survivors. Justice is therefore an essential bid toward addressing the natives’ past grievances and nurturing their healing and closure (Daly & Sarkin, 2007).

Transitional justice constitutes repairing the harm caused on a people therefore providing an opportunity to attain justice and start the process of healing (Hurlbert, 2011). It is a process of redressing past wrongs committed to communities—shifting from a violent, authoritarian past toward a free, independent, and democratic future. From the 1945 Nuremberg Trials to the current concepts of the responsibility to protect and humanitarian interventionism, transitional justice has become central in mending complex and harmful histories (Hinton, 2011). Effective transitional justice depends on the engagement with grounded realities and taken for granted assumptions concerning the affected populations (Hinton, 2011). Grounded engagements accommodate greater legitimacy and local ownership of the affected individuals and groups (Cobban, 2007). A key component of transitional justice is restorative justice which is a

“participatory practice that involves the victim, offender, and the community in resolving the harm caused by a specific crime” (Woolford, 2009, p. 12). In terms of the aftermath of British colonialism in Kenya, restorative justice should involve all parties including the British government, victims of colonial atrocities in Kenya, and the government of Kenya. Restorative justice derives from three principles, namely: justice requires restoration of the victims of harm; victims of harm should be involved in the restorative process; and government has a responsibility to build, preserve, and maintain a justice (Van Ness & Strong, 2010). Other studies indicate that restorative justice is founded on four key values, namely: Encounter (confronting complex issues), Amends (compensation for harms), Reintegration (restoration), and Inclusion (Gerry & Van Ness, 2007). Postcolonial restorative justice in Kenya is important in facilitating mutual healing and renewed dignity for the victims and survivors of colonial atrocities (Hayner, 2001).

Ending a cycle of traumatic memories and scars of historical oppression among victims of colonialism requires accommodation of new narratives and identities; it involves retelling and revising narratives (Carter, Irani, & Volkan, 2009). New narratives are only possible if spaces and forums are nurtured to facilitate meaningful and focused dialogues between key stakeholders in the Kenyan transitional justice process. Sharing stories requires the capacity to listen, accommodate, and empower the victims of colonial oppression (Carter, Irani, & Volkan, 2009). This process of retelling and sharing stories should address the climate of fear and provide victims and perpetrators of past atrocities with opportunities to recognize their common humanity, dignity, and closure (Woolford, 2009). Restorative justice should be founded on a safe environment, representation, and active participation of target groups in the decision-making processes (Woolford, 2009). Studies suggest that restorative justice should strive to answer some key questions namely: Who have been hurt? What are their needs? Who is obligated to meet those needs? Who are the stakeholders? How can a solution be found? (Schirch, 2004, p. 52). Restorative justice is not about embracing the former relationship but rather nurturing spaces in which justice is facilitated and sustained (Hurlbert, 2011).

Restorative justice, as a central form of transitional justice, is therefore central to the study of British colonial styles. Any research concerning British colonial styles is incomplete if certain components or mechanisms are omitted—that is, the harms caused, and the sustainable transitional justice that would facilitate closure. While studies can reveal that particular actions



were implemented during British colonialism, we cannot possibly stop there without thinking about transitional justice for victims and survivors of colonial injustices. We need to ask ourselves: what is next, beyond colonial styles and the associated harms? What contemporary structural violence and injustices link to colonial styles? What is the current status of the victims and survivors of colonial injustices? What are their expressed needs? How can such needs be met? How can transitional justice for the affected populations be achieved? These questions highlight the importance of embedding transitional justice in the study of British colonial styles. In Kenya, transitional justice for victims and survivors of British colonialism is yet to happen. Despite efforts by human rights groups to have the British government compensate and apologize to the victims and survivors of colonialism, the latter has denied liability. However, it is important to continue facilitating forums and spaces for lobbying, advocacy, sensitization, and awareness creation—until the quest for justice becomes a critical mass and the expressed needs for victims and survivors of colonial atrocities are addressed. British colonial styles resulted in physical and psychological trauma among the victims and survivors of colonial atrocities. Transitional justice is key in embracing closure, dignity, humanization, and empowerment of victims of colonial atrocities. However, this requires collaboration and willingness of all stakeholders. This study provides an important space in which such sensitization can be facilitated.

### **Conclusion**

This study has three key findings: first, that the British colonial regime used strategic styles to conquer and rule the Kenyan natives. The British colonial authorities used diverse styles to conquer, occupy, and colonize Kenya. The colonial system constituted the flagrant abuse of the Indigenous People's human rights and freedoms. Millions of African natives were humiliated and tortured, while hundreds of thousands of others were killed. Using the colonial template, the postcolonial regime continued the marginalization of the victims and survivors of colonialism. Second, that the current ethno-political violence in Kenya has links to British colonialism. This is explained by the fact that the postcolonial regime borrowed the colonial ethnic card which has been mobilized to nurture ethnicization of politics for the benefit of the ethnic "others." Postcolonial ethnic marginalization has led to ethnic violence and agitation for inclusion, equity, and equality. Third, that transitional justice is a key component of the study of British colonial styles. While the study of British colonial styles is an integral subject of scholarship, it is

important to interrogate the effect of such styles on the victims and survivors of colonial atrocities. This study argues that scholarship should not stop at identifying a problem but should strive at finding solutions related to the identified problem. The component of transitional justice in this study therefore answers the question: after the knowledge of British colonial styles, then what?

The findings about the colonial styles used in Kenya offers a new background in which comparative research can be carried out in other former British colonies. From comparative studies of British colonial styles, we can establish whether colonial injustices were systematically pre-planned, and hence, justify the lobbying for the British government to take liability. Transitional justice should be transformative, participatory, representative, and inclusive in order to have sustainable impacts on the affected groups. However, while the zeal to institute justice is central to the healing and closure for the victims of colonial atrocities, the process is often compromised by political and manipulative discourses (Woolford, 2009). Transitional justice processes should strive to recognize the truth and expressed needs of the victims of colonial atrocities toward restoring their lost dignity, identity, and create closure (Oberschall, 2007). Studies indicate that virulence, diversity, and complexity of ethnic violence requires informed interventionism (Wolff, 2006). The new perspective about the link between ethno-political conflicts and colonial legacies provides a fresh space for more focused interventionism in addressing protracted ethnic violence in Kenya. This interventionism can be realized by addressing the expressed needs of victims and survivors of colonial injustices. The failure of the British government to take liability, and the delay of the Kenyan government to implement a land compensation policy for victims and survivors of colonial atrocities, has compromised healing and closure. Through continued lobbying and advocacy, the British government should be made to acknowledge harms, collaborate in an official investigation, and provide apologies and reparations to the victims and survivors of colonial injustices. The Kenyan government should be lobbied to facilitate land compensation and resettlement for the victims and survivors of colonial and postcolonial land dispossession. This would facilitate the assurance of justice, release of pain, and closure for the affected people (Daly & Sarkin, 2007).

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